United Nations S/AC.49/2016/1

Security Council

Distr.: General
4 April 2016

Original: English

Security Council Committee established pursuant to resolution 1718 (2006)

Note verbale dated 29 March 2016 from the Permanent Mission of Malaysia to the United Nations addressed to the Chair of the Committee

The Permanent Mission of Malaysia to the United Nations presents its compliments to the Chair of the Committee established pursuant to 1718 (2006) and has the honour to refer to the letter from the Panel of Experts established pursuant to resolution 1874 (2009) dated 11 March 2016 regarding submission of national implementation reports.

The Permanent Mission of Malaysia is pleased to submit to the Chair of the Committee, its national implementation report (see annex), in fulfilment of Malaysia's obligation to implement the provisions of Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013). In this connection, the Permanent Mission of Malaysia wishes to update the Committee that the Government of Malaysia is also working on the remaining requests by the Panel of Experts related to the 2016 final report published on 24 February 2016 and is making preparations to fulfil its obligations as outlined in resolution 2270 (2016), with the guidance of the Committee.

16-05580 (E) 110416

Please recycle

Annex to the note verbale dated 29 March 2016 from the Permanent Mission of Malaysia to the United Nations addressed to the Chair of the Committee

Report of Malaysia on the implementation of Security Council resolutions concerning the Democratic People's Republic of Korea

Introduction

As a Member State of the United Nations, Malaysia is fully committed to comply and implement all relevant operative provisions of Security Council resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013). Malaysia considers these resolutions a clear manifestation of the international community's unequivocal rejection of the proliferation of nuclear weapons and their delivery systems by the Democratic People's Republic of Korea. Malaysia is committed to ensuring that appropriate measures are taken to implement these resolutions and will continue to cooperate with the international community to prevent any acts that could contribute to the nuclear or ballistic missile programmes of the Democratic People's Republic of Korea.

Malaysia reaffirms that the illicit development and procurement of weapons of mass destruction and related technologies and capabilities by any State is unacceptable and contrary to international law. Such activities undermine the international community's resolve and commitment to peaceful relations among States and to the peaceful resolution of conflict.

Measures with regard to the resolutions

Malaysia's implementation of the operative provisions of resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013) — in conjunction with its report submitted pursuant to paragraph 4 of resolution 1540 (2004) (see S/AC.44/2004/(02)/35) — is being governed by the following instruments and measures:

International legal instruments

Malaysia is party to the principal international disarmament, non-proliferation and arms control legal instruments, as follows:

1. Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water (1963), signed on 8 August 1963, ratified on 15 July 1964
2. Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (1967), signed on 27 January 1967
3. Treaty on the Non-Proliferation of Nuclear Weapons (1968), signed on 1 July 1968, ratified on 5 March 1970
4. Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare (1925), acceded on 10 December 1970

5. Agreement between the Government of Malaysia and the International Atomic Energy Agency for the Application of Safeguards in Connection with the Treaty on the Non-Proliferation of Nuclear Weapons ("safeguards agreement"), signed on 29 February 1972, entered into force on 29 February 1972

6. Treaty on the Prohibition of the Emplacement of Nuclear Weapons and Other Weapons of Mass Destruction on the Sea-Bed and the Ocean Floor and in the Subsoil Thereof (1971), signed on 20 May 1971, ratified on 21 June 1972

7. Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (1972), signed on 10 April 1972, ratified on 6 September 1991

8. Treaty on the South-East Asia Nuclear-Weapon-Free-Zone (1995), signed on 15 December 1995, ratified on 11 October 1996

9. Comprehensive Nuclear-Test-Ban Treaty (1996), signed on 23 July 1998, ratified on 17 January 2008

10. Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (1992), signed on 13 January 1993, ratified on 20 April 2000

Malaysia is taking the necessary steps to ratify or accede to a few other relevant instruments, as follows:

1. Convention on the Physical Protection of Nuclear Material (1980)

2. International Convention for the Suppression of Acts of Nuclear Terrorism (2005), signed on 16 September 2005

3. Arms Trade Treaty (2013), signed on 26 September 2013

National legislation

Malaysia has effective laws and regulations in place to comply with the requirements prescribed under the four above-mentioned resolutions. These instruments are:

1. Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001

2. Arms Act 1960

3. Atomic Energy Licensing Act 1984

4. Central Bank of Malaysia Act 2009

5. Chemical Weapons Convention Act 2005

6. Civil Aviation Act 1969

7. Civil Aviation Regulations 1996

8. Corrosive and Explosive Substances and Offensive Weapons Act 1958

9. Courts of Judicature Act 1964

10. Criminal Procedure Code
11. Customs Act 1967
12. Customs (Prohibition of Exports) Order 1998
13. Customs (Prohibition of Imports) Order 1998
14. Exchange Control Act 1953
15. Explosives Act 1957
16. Explosives Rules 1923
17. Firearms (Increased Penalties) Act 1971
18. Immigration Act 1959/1963
19. Malaysian Maritime Enforcement Agency Act 2004
20. Merchant Shipping Ordinance 1952
21. Penal Code
22. Pesticides Act 1974
23. Plant Quarantine Act 1976
24. Plant Quarantine Regulations 1981
25. Poisons Act 1952
26. Police Act 1967
27. Prevention and Control of Infectious Diseases Act 1988
28. Prevention and Control of Infectious Diseases Regulations 2007
29. Prevention of Crime (Amendment and Extension) Act 1959
30. Prevention of Terrorism Act 2015
31. Security Offences (Special Measures) Act 2012
32. Strategic Trade Act 2010
33. Strategic Trade (Restricted End-Users and Prohibited End-Users) Order 2010
34. Strategic Trade (Strategic Items) Order 2010
35. Strategic Trade Regulations 2010
36. Subordinate Courts Act 1948

International and regional cooperation

In fulfilling Malaysia's continuous commitment to counter the proliferation of weapons of mass destruction, particularly nuclear weapons, Malaysia has supported and endorsed the following international and regional initiatives:

International cooperation

1. Proliferation Security Initiative, endorsed on 27 April 2014

2. Nuclear Security Summit, Malaysia has participated in the Summit process since the first Summit in Washington, D.C., in 2010

3. Global Initiative to Combat Nuclear Terrorism, endorsed on 21 March 2012

Regional cooperation

Malaysia also reiterates its commitment and continuous support to the implementation of the resolutions through involvement in various dialogues and consultations aimed at strengthening the safety and security of the Asia-Pacific region, as follows:

1. Association of Southeast Asian Nations (ASEAN) and ASEAN Regional Forum, acceded on 8 August 1967

2. Treaty on the South-East Asia Nuclear-Weapon-Free Zone (1995), signed on 15 December 1995, ratified on 11 October 1996

Notwithstanding the abovementioned laws, regulations and initiatives, Malaysia will continue to institute additional measures, if necessary, to enforce the operative provisions of resolutions 1718 (2006), 1874 (2009), 2087 (2013) and 2094 (2013).